

United States Bankruptcy Court  
Eastern District of Texas  
Sherman Division

**In re:**

**Paul J. Folkman and Hsueh Mei Folkman,**

Debtors

**Jeffrey Blanchard and Janine Blanchard,**

Plaintiffs

**v.**

**Paul J. Folkman and Hsueh Mei Folkman a/k/a  
Michelle Folkman a/k/a Hsueh Mei Lee, individually,  
Folkman Development Corporation and NRT New  
England LLC d/b/a Coldwell Banker Residential  
Brokerage,**

Defendants

**Case No. 20-40864-btr**

**Chapter 7**

**Adversary No. 20-04083**

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**UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER**

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TO THE HONORABLE JOSHUA P. SEARCY, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Hsueh Mei Folkman *aka* Michelle Folkman *aka* Hsueh Mei Lee, defendant (“Defendant”) in the above-styled bankruptcy and adversary case, and through newly retained counsel files this Unopposed Motion to Modify Scheduling Order (“Motion”), and would state:

1. This case is not currently set for trial.
2. According to the Second Order Modifying Scheduling Order (Dkt. No. 63), the deadline for expert disclosures expired on February 29, 2024, the deadline to complete all discovery expired on March 29, 2024, and the deadline for filing any motion for summary judgment expires on April

30, 2024, unless leave of Court for additional time is sought by written motion and subsequently granted by the Court.

3. Counsel for Defendant Michelle Folkman aka Michelle Lee moves the Court to modify the Scheduling Order as follows:

- a. Extend the deadline to disclose experts to May 31, 2024;
- b. Extend the deadline to complete all discovery to May 31, 2024; and
- c. Extend the deadline to file any motion for summary judgment to June 30, 2024.

4. Additional time is needed for Michelle Lee and the Blanchards to continue discussions on possible settlement with Plaintiffs or, in the alternative, to prepare for a trial on the merits. Counsel for Michelle Lee and counsel for the Blanchards are actively engaged in negotiations which they hope will bear fruit.

5. Defendant Michelle Lee was previously represented by Robert A. Miller of Prager & Miller, P.C. However, Mr. Miller's motion to withdraw as attorney for Michelle Lee was granted by the Court on January 9, 2024.

6. On February 23, 2024, Clayton L. Everett briefly consulted with Michelle Lee concerning this case, and on or around April 17, 2024, Michelle Lee retained Clayton L. Everett to represent her in this matter in the above-captioned adversary proceeding.

7. This adversary proceeding has been pending since August 31, 2020.

8. The Court has discretion to grant a motion to modify as part of its inherent power to control its own docket to ensure that cases proceed before it in a timely and orderly manner. *U.S. v. Waldman*, 579 F.2d 649, 653 (1st Cir. 1987).

9. The request to modify the scheduling order is not merely for delay, but so that justice may be done.

10. This request will not prejudice any party because the delay request is not unreasonable, and any continuance would allow time for plaintiff or other defendants to disclose experts, conduct any additional discovery, or file dispositive motions as well.

11. Defendant will suffer actual and substantial prejudice if he is not permitted to send written discovery to Plaintiff because she would not be able to prepare an adequate defense.

12. This is the third request to modify filed by a party in this adversary proceeding.

WHEREFORE, the Defendant asks this Court to modify the scheduling order and shift all deadlines as requested above.

DATED: April 25, 2024.

Respectfully submitted:

By: /s/ Clayton L. Everett

Clayton L. Everett

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Counsel for Defendant Hsueh Mei Folkman

*aka Michelle Folkman aka Hsueh Mei Lee*

### **CERTIFICATE OF CONFERENCE**

On April 16, 2024, my office conferred with plaintiff's counsel by email. Plaintiff's counsel stated that he is unopposed to the relief requested in this motion. On April 24, 2024, my office conferred with counsel for co-defendant Coldwell Banker Residential Brokerage, who is also unopposed to the requested continuance. I was not able to confer with co-defendant Paul J. Folkman at the time of this filing, but it is believed that he is not opposed to the continuance.

/s/ Clayton L. Everett

**CERTIFICATE OF SERVICE**

I hereby certify that I have this April 25, 2024, served a true and correct copy of the above notice via ECF upon all parties receiving notice through the ECF system and by USPS mail to:

*Co-Defendant*

Paul J Folkman,  
318 Hansen Road  
Schaghticoke, NY 12154

/s/ Clayton L. Everett

Clayton L. Everett